

Equality, Diversity and Inclusion Strategy

2014/15 to 2016/17

Updated 5 August 2016

Introduction and summary

1.1 The SRA regulates the conduct of solicitors and law firms to protect consumers and support the rule of law and the administration of justice.

1.2 We are a public authority for the purpose of the Equality Act 2010. At 3.1 we explain how we are meeting our public sector equality duties under the Act.

1.3 We are an organisation where diversity is valued and we are committed to working in an inclusive way and harnessing the contribution every member of the organisation makes towards our success. Similarly, we aim to treat those we regulate fairly and to encourage a strong and diverse profession where all have an opportunity to succeed.

1.4 We have published the Corporate Strategy (2014/15 to 2016/17) illustrates how equality, diversity and inclusion (EDI) is central to our work. A greater level of detail about our work in this area is set out in this EDI strategy and our annual action plans. We will report progress against the annual action plans and evaluate the impact of the strategy at the end of three years.

1.5 Under each of the objectives set out in 2.1, we have summarised the work taken forward and outlined some of the measures we will be using to monitor progress.

EDI objectives

2.1 Our EDI objectives are to:

- develop a more diverse workforce and promote an inclusive culture, equality of opportunity for all staff and the behaviours and capabilities required to regulate proportionately, fairly and free from bias;
- ensure that the way we operate, our rules and the decisions we make are proportionate, fair and free from bias and help firms and individuals understand and comply with our requirements; and
- work with those we regulate to support them in achieving a more diverse and inclusive profession.



2.2 The People Strategy Committee [<https://www.sra.org.uk/sra/how-we-work/our-board/committees/remuneration-committee/>] oversees delivery of our first objective and the EDI Committee oversees delivery of our second and third objectives.

Objective 1

Develop a more diverse workforce and promote an inclusive culture, equality of opportunity for all staff and the behaviours and capabilities required to regulate proportionately, fairly and free from bias.

2.3 This objective is delivered by our Human Resources team and is part of a wider programme of work to develop and embed a high performance culture, inclusive leadership and technical capabilities at all levels.

2.4 It covers everyone working for the SRA, including staff, members of the SRA Board [<https://www.sra.org.uk/sra/how-we-work/our-board/board-members/>], external members of Board committees and panel adjudicators. It is important to take this broad approach, given the governance and leadership role played by the SRA Board and the decision-making powers exercised by panel adjudicators [<https://www.sra.org.uk/sra/decision-making/adjudicators-panel/>] on our behalf.

Recruiting diverse people

2.5 Just as we expect of the profession, we are working to improve the diversity of our people at all levels. We encourage applications from a diverse range of people for Board and committee vacancies and for adjudicators as well as our staff. We publish data on the diversity of our staff and the gender and ethnic breakdown of Board members and adjudicators.

2.6 We train all managers on best practice in recruitment and selection and monitor trends to identify particular gaps where we might need to consider additional measures to promote diversity.

Our Board and committees

2.7 We are reviewing our Board and committees to ensure that EDI is integrated into all areas of their work. Members will be included in the inclusive leadership programme, which is being rolled out for staff, and we will be providing training to support them in carrying out their responsibilities under the Equality Act.

Staff

2.8 We employ some 600 staff, primarily based in Birmingham with a small team based in central London. We regularly monitor our staff diversity data

[<https://www.sra.org.uk/sra/equality-diversity/diversity-sra/diversity-monitoring/>] and report on trends that show increasing diversity in the organisation.

2.9 We continue to develop an inclusive environment in which each employee is able to perform at their best, feel valued, respected and motivated, contribute views and ideas for improvements and have access to career and learning and development opportunities.

2.10 We are rolling out an inclusive leadership programme for our executive directors and the leadership team. The programme, which includes a module on inclusive leadership and managing unconscious bias in the workplace, has been extended to line managers and staff to promote the culture and behaviours we need to drive and support the wider changes we have set out in our Corporate Strategy.

2.11 We are committed to making EDI a conscious part of how we run our organisation and how we each perform in our roles. Our Chief Executive is our EDI Champion and, together with our Executive Directors and senior leadership team, promotes this work and provides visible leadership for the organisation.

2.12 We support a number of staff networks (including LGBT, women's, Christian, BAME and disability) which help us with this work and we are looking at other options for improved staff engagement. We provide regular and varied events throughout the year to promote understanding and awareness of EDI issues.

Adjudicators

2.13 Many of our regulatory decisions about firms' and solicitors' conduct are made by adjudicators. We have a Chief Adjudicator, a number of internal adjudicators and a panel of external adjudicators. They make first-instance decisions and hear appeals against decisions made internally by staff.

2.14 We will ensure our training on EDI and managing unconscious bias in decision making is delivered to all our adjudicators.

Measuring progress against Objective 1

2.15 To help us measure progress in achieving Objective 1, we will consider the following:

- our staff diversity data which we publish annually across a range of employment areas;
- the diversity of our Board, committee members and adjudicators;
- responses to staff attitude surveys;

- staff feedback and evaluation of training and events;
- the participation of staff in our formal and informal engagement activities;
and
- the activities of any diversity staff networks which may be set up.

Objective 2

Ensure that the way we operate, our rules and the decisions we make are proportionate, fair and free from bias and help firms and individuals understand and comply with our requirements

2.16 There are a number of strands to this objective covering how we regulate, how we make regulatory and other decisions but also how we support the profession to 'encourage equality of opportunity and respect for diversity' to meet principle 9 of the SRA Code of Conduct.

Proportionate and less burdensome regulation

2.17 One of the key challenges we have faced over the past few years, most recently highlighted by the Independent Comparative Case Report [<https://www.sra.org.uk/sra/equality-diversity/archive/independent-comparative-case-review/>] (ICCR), has been the overrepresentation of black, Asian and minority ethnic (BAME) solicitors in some of our regulatory outcomes. The ICCR, published in March 2014 by Professor Gus John, reviewed the outcomes of disciplinary cases taken against BAME and white solicitors. Although there were differences in the outcomes, there was no evidence of discrimination. We published our response to the report in June 2014 explaining how we would take forward the findings from the report in this strategy and its supporting action plans.

2.18 Our regulatory reform programme is focused on reducing and, wherever possible, removing unnecessary regulatory burdens on firms. A key part of this reform programme is about proportionate regulation for smaller firms, which will include both formal regulatory requirements and a review of how we supervise and engage with smaller firms. Our data shows smaller firms are more likely to be the subject of some form of regulatory activity and that BAME solicitors are overrepresented in this sector of the market.

2.19 The reform programme comprises a number of proposals across our regulatory work and we are assessing each proposal's potential to address the disproportionality in regulatory outcomes we see, in particular, for BAME practitioners concentrated in smaller firms.

Decision making



2.20 Much of the work we have done to date on addressing disproportionality has focused on our approach to regulatory decision making. The decisions we make are underpinned by a set of decision-making principles that form part of our new decision-making framework. The first principle is that decisions should be based on the application of guidelines or criteria, which should be 'consistent, fair, published and transparent'.

2.21 We can do more to improve our decision making to ensure our decisions are fair and free from bias and to improve our ability to publish robust and transparent data about our decisions.

2.22 We are writing decision-making guidance to help assess the thousands of matters referred to us each year. We are improving how we record our decisions, which will help us monitor our regulation. We will do more with the data to get a much richer understanding of the trends and causes of disproportionality. This will help us identify areas for action, which will in turn inform our approach to regulation.

2.23 We continue to train staff on decision making and have implemented a robust process for quality assurance to monitor consistency, fairness, transparency and timeliness. This will help us to demonstrate the quality of our decision making and give us confidence that the disproportionate outcomes for BAME solicitors are not being caused by inconsistent or unjustifiable regulatory decisions that we have made.

Engaging with the profession

2.24 Engagement is an essential part of our EDI work at the SRA. Inclusive engagement is about actively encouraging and supporting the participation of all individuals and organisations interested in our regulatory approach, guidance, policies and procedures.

2.25 We have been using new ways of engaging with many of the profession's representative bodies and consumer groups on various issues, so they can participate in and influence our regulatory reform agenda.

2.26 We support sole practitioners and small firms to help them comply with regulatory requirements.

2.27 We have introduced organisational changes to help us provide an improved standard of service. We are clear and transparent about our service standards, which we continue to improve.

Managing complaints about the work of the SRA

2.28 There is always room for improvement, and we have a defined process for handling and learning from complaints about our work. Our complaints handling is overseen by an Independent Reviewer, who also

considers individual complaints we are not able to resolve internally. The results of their annual review are published.

2.29 We are reviewing our approach to discrimination complaints to ensure they are investigated at an early stage. Training staff to deal thoroughly and sensitively with these complaints is ongoing, and we take every opportunity to learn from these complaints to improve our work.

Promoting standards – SRA Principle 9

2.30 As part of our work to raise standards and uphold the core professional principles referred to in our Corporate Strategy, we support the profession to 'encourage equality of opportunity and respect for diversity' in accordance with principle 9.

2.31 We continue to engage with, and provide advice and support for firms on meeting the outcomes prescribed in principle 9 of the Code of Conduct. We are also considering how best to promote EDI in the revised Handbook, to clarify our expectations. In addition, we will monitor reports received about breaches of principle 9 to better understand the issues faced by consumers and practitioners.

Measuring progress against Objective 2

2.32 To help us measure progress in achieving Objective 2, we will consider the following:

- equality impact assessment and monitoring data in relation to the changes we make as part of our regulatory reform agenda;
- our regulatory monitoring data - including the trends apparent from our annual reports and more detailed analysis of specific areas to better understand disproportionality;
- the outcomes from our new quality assurance process;
- the number of complaints received about our service, including those concerning discrimination, and what we have learnt;
- the number of reports received about potential breaches of Principle 9 by the profession; and
- evidence of the profession's participation in our new engagement activities and feedback received.

Objective 3

To work with those we regulate to support them in achieving a more diverse and inclusive profession

2.33 This objective is focused specifically on how we work with the profession to promote diversity. Diversity is essential for firms that want to attract and retain the best talent, ensure equality of opportunity for all who have the skills to enter and succeed in the profession and to meet clients' needs.

2.34 Many firms have made significant strides in reflecting the increasing diversity of society in their organisations. However, a diverse workforce is not reflected at all levels across all firms. There is under-representation of some groups at partner level and a concentration of other groups in certain areas of law. This indicates there could be barriers to progression, particularly for women, BAME practitioners, disabled people and people from less affluent socio-economic backgrounds.

- 2.35 A lack of diversity is an ongoing risk to our regulatory objectives [<https://www.sra.org.uk/archive/risk/outlook/risk-outlook-2020-21/diversity-in-the-profession/>], our response to which involves collecting and reviewing diversity data, engaging with and supporting the profession, and through the work we are doing on access to the profession.

Diversity data collection

2.36 Collecting diversity data gives firms an opportunity to review their approach to recruitment and progression. We provide an online benchmarking tool [<https://www.sra.org.uk/solicitors/diversity-toolkit/diversity-toolkit>] that firms can use to compare their diversity with similar firms and guidance to promote diversity where they identify gaps.

2.37 We continue to improve the diversity data reporting process and have made the exercise more proportionate by moving to a biennial reporting cycle. We are working with the Legal Services Board and other legal regulators to improve the outcomes of this exercise across the legal sector.

Engaging with the profession

2.38 We are promoting awareness and sharing good practice and resources with the profession through events and other engagement, including social media. We are building relationships with firms proactive in promoting diversity and working in partnership with them on a range of initiatives. For example: we have held joint events for the wider profession to raise awareness of lesbian, gay, bisexual and transgender (LGBT) issues and provide good practice tips; our LGBT staff network is building links with local law firm networks to share resources and widen their reach; and we are supporting firms who are encouraging social mobility through initiatives such as the Legal Social Mobility Partnership.

2.39 We are looking at other ways we can expand this work to offer guidance and encouragement to mid size and smaller firms which may not

have the resources to devote to large scale diversity initiatives. We will be reviewing our activities to identify how we can work with other organisations to widen our reach and impact.

2.40 We are building Diversity Matters, a virtual network of people who are contributing to our work and reflecting on EDI in the profession. We provide regular updates on EDI issues and encourage representation from the profession, academics and other stakeholders. As the community grows, it will provide a useful forum for discussion and feedback.

Access to the profession

2.41 As part of our work to raise standards and uphold the core professional principles referred to in our Corporate Strategy, we support the profession to 'encourage equality of opportunity and respect for diversity' in accordance with principle 9.

Measuring progress against Objective 3

2.42 To help us measure progress in achieving Objective 3, we will consider the following:

- diversity data from law firms
- the number of people joining the EDI virtual reference group and its outcomes
- the amount of engagement with firms and others through meetings, social media and attendance at our events
- evidence of increased diversity in those admitted to the profession through new pathways prompted by our T4T programme.

Meeting the public sector equality duty

3.1 For the purposes of the Equality Act 2010 we are a public authority and are bound by the public sector equality duty. This requires us, in the exercise of our public functions, to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation,
- advance equality of opportunity between people who share a protected characteristic and those who do not, and
- foster good relations between people who share a protected characteristic and those who do not.

3.2 The equality legislation requires the SRA to publish sufficient information to demonstrate we have complied with our general equality duty.

3.3 We publish our equality information in the four categories described below.

- Employment data: we annually publish employment data for staff in relation to a range of employment activities. We also publish diversity monitoring data for adjudicators and SRA Board members.
- Regulatory-outcomes data: since 2011, our regulatory-outcomes data has been broken down by age, disability, ethnicity and gender, and we provide a breakdown by firm as well as for individuals. We do not have enough data from the profession to publish statistical data broken down by religion or belief or by sexual orientation but this is under review. Our regulatory-outcomes data consists of both annual baseline reporting and additional reports on further analysis of that data.
- Equality impact assessments: we publish equality impact assessments on our new policies and procedures and decision-making criteria. We aim, where possible, to integrate equality considerations into our key consultation documents and policy papers, rather than always producing a standalone impact assessment reports.
- Research reports: we publish research and other thematic reports commissioned in relation to a range of equality diversity and inclusion issues. These have included, for example:
 - the Independent Comparative Case Review report by Professor Gus John
 - a report on our thematic review of compliance SRA principle 9 (equality of opportunity and diversity)
 - research to understand how consumers are affected when we intervene into a firm to close it down
 - a review of the quality of legal services for asylum seekers.

3.4 We regularly review our compliance with our duty under the Act and seek to improve our performance and comply with the spirit as well as the letter of the legislation.